

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 24, 1966

Appeal No. 8892 Marian Oken, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on August 31, 1966.

EFFECTIVE DATE OF ORDER -- Nov. 25, 1966

ORDERED:

That the appeal for a variance from the use provisions of the R-1-B District to permit the erection of an apartment building at premises 4452 MacArthur Boulevard, NW., lot 836, square 1356 and for a variance from the requirements of Section 3307.2 to permit the erection of a group of apartment buildings with division walls from the lowest floor up to be considered a single building without reducing the FAR and lot occupancy provisions of the R-5-A District, and without providing two 20-foot side yards for each group, be granted.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

- (1) As originally filed, the appeal requested a variance from the side yard, rear yard, lot occupancy, minimum lot area, width, frontage and use provisions of the R-1-B Districts to permit the erection of row flats at 4452 MacArthur Boulevard, NW. At public hearing, on August 24, 1966, appellant with the permission of the Board, amended her request a waiver of the requirements of Section 3307.2 that no more than 12 dwelling units be located on a single floor.
- (2) The subject property has a frontage on MacArthur Boulevard of 275.58 feet. The depth of the property from MacArthur Boulevard is approximately 360 feet and the width of the property at its mid point is considerably more than the frontage on MacArthur Boulevard.
- (3) The MacArthur Boulevard frontage is zoned R-5-A to a depth of 125 feet. The remainder of the property is zoned R-1-B.

(4) The site contains a total of 93,545 square feet and suffers from extreme topographical difficulties, varying from approximately 109 feet in elevation to 79 feet. A deep ravine exists along the eastern and southern edge of the property falling in grade from MacArthur Boulevard to the south. There is also a deep ravine along the western edge of the property.

(5) Although the portion of the site zoned R-5-A has frontage and access on MacArthur Boulevard, the rear portion of the property, which is zoned R-1-B, has no access to public streets.

(6) The proposed development, as shown by the plans on file (Exhibit No. 15), calls for the construction of 74 dwelling units consisting of efficiency, one-bedroom and two-bedroom apartments.

(7) The proposed development will have an FAR of 0.73. Seventy-four (74) off-street parking spaces will be provided.

(8) Examination of the site plans reveals that the topographical conditions and the large amount of existing foliage provides a natural screening from the surrounding properties.

(9) In the immediate area there are presently a number of substantial apartment developments, and the apartment houses fronting on MacArthur Boulevard in the nearby area have units similar in size to the individual units in the proposed development.

(10) The zoning in the surrounding area is R-5-A, R-1-B and C-1.

(11) The access ways as indicated on the site plan submitted will provide a suitable and efficient means for the circulation of traffic within the proposed development.

OPINION:

The Board is of the opinion that appellant has proved a hardship within the meaning of the Zoning Regulations because of the split zoning, the topography, shape, and land-locked condition of the subject property. These conditions would prevent the economic and practical utilization of the subject site for development in strict accordance with existing zoning. Further, the Board is of the opinion that this appeal can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoned plan as embodied in the Zoning Regulations and Map.